

# SENATE BILL REPORT

## SB 6619

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As of January 26, 2006

**Title:** An act relating to dangerous dogs.

**Brief Description:** Modifying provisions relating to dangerous dogs.

**Sponsors:** Senator Deccio.

**Brief History:**

**Committee Activity:** Judiciary: &half;6/06.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Cindy Fazio (786-7405)

**Background:** Dangerous dogs and potentially dangerous dogs are regulated under state law and may also be regulated under local law. A dangerous dog is one that: (1) inflicts severe injury on a human without provocation on public or private property; (2) kills a domestic animal while off the owner's property; or (3) is already declared a potentially dangerous dog due to injury to a human, the owner has notice of such designation, and again bites, attacks, or endangers the safety of humans. A dog cannot be declared dangerous for inflicting an injury to a person who was committing a tort on the owner's premises, tormenting the dog, or committing a crime.

A potentially dangerous dog is one that, when unprovoked: (1) bites a human or domestic animal on public or private property; (2) chases a person in public or approaches a person in public in a menacing fashion, or apparent attitude of attack; or (3) has a known propensity to attack, cause injury, or threaten the safety of humans or domestic animals.

The owner of a dangerous dog must register the dog and meet a number of other requirements relating to confining the dog, including: a proper enclosure, adequately posted warnings on the premises, and a surety bond or liability insurance of at least \$250,000 insuring the owner for any personal injuries inflicted on others by the dangerous dog.

The owner of a dangerous dog is guilty of a class C felony if the dog attacks and severely injures a person, and the owner knew or should have known that the dog was potentially dangerous. The prosecution may not prove the owner knew or should have known the dog was potentially dangerous based solely on the breed of the dog.

**Summary of Substitute Bill:** The definition of dangerous dog is changed to include a dog that attacks and injures a companion animal, and the injuries are severe enough that the companion animal must be put to sleep.

The registration rules for owners of dangerous dogs are changed to include the requirement that the owner of a dangerous dog must notify the local animal control officer, in writing, of any changes to the dangerous dog's status.

The registration rules are also changed to increase the surety bond or liability insurance amount required of owners of dangerous dogs from \$250,000 to \$300,000.

The dangerous dog enclosure requirements are changed to include the requirement that when the dangerous dog is outside its enclosure on a leash, the leash length is limited to a maximum of six feet.

Additional criminal penalties are created against dangerous dog owners for their dog's conduct. An owner of a dangerous dog is guilty of a misdemeanor if the dangerous dog attacks another person's companion animal and injures it, kills it, or causes its death by euthanasia because of the injuries. An owner of a dangerous dog is guilty of a gross misdemeanor if their dangerous dog attacks or bites a person and causes bodily injury.

**Substitute Bill Compared to Substitute Bill:** The bill as referred to committee was not considered.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Owners of dangerous dogs do not have enough accountability for their dogs' actions. They are comfortable with their dogs but when their dogs get away from them, the dogs act very differently. There have been several court cases, or possible cases, where either the injured person lost, or the case was never filed because there was not enough documentation that the owner knew, or anyone knew, the dog was dangerous; perhaps the dog had never had any prior problems. Virginia has legislation that an owner might be charged with manslaughter in an egregious case. The cities support this legislation because it does not preempt their ability to have their own local laws about dogs.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Alex Deccio, Prime Sponsor; Tammy Fellin, Association of Washington Cities.